S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5429/2007
(Jagdish and Ors. Vs. State of Rajasthan)

DATE OF ORDER : 20/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. K.R.Meghwal for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.
Mr. B.S.Rathore for the complainant.

Heard learned counsel for the petitioners and Public Prosecutor for the State as also the counsel appearing for the complainant. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioners that injured Daularam committed a house trespass in the night and outraged the modesty of Manohari Devi W/o Chutraram for which a case has been registered against Daularam.

Learned public prosecutor and the counsel appearing for the complainant submit that the case registered by Manohari Devi is after four days from the occurrence of this case and it is nothing but to counter the case instituted against Chutara Ram and other persons who entered in the house of Daularam in the night at about 11.00 PM along with other co-accused and assaulted Daularam and Birmaram who have suffered numerous injuries.

On careful perusal of the statement of witnesses, it appears that Daularam suffered the seven injuries by blunt and Birmaram suffered three injuries. Mainly the allegation is against Jagdish and Chutara Ram. In this view of the matter, I do not consider it a fit case to release the petitioner No.1 Jagdish and petitioner No.2 Chutara Ram on bail.

The bail application filed by petitioner No.1 Jagdish and petitioner No.2 Chutara Ram under Section 438 Cr.P.C. is

therefore, dismissed.

However, looking to the facts and circumstances of the case and the fact that no specific injury has been assigned to the petitioner No. 3 Rakesh and petitioner No.4 Gautam, and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners No. 3 and 4 under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioners No. 3 and 4 u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Rakesh S/o Prabhu Ram and Gautam S/o Kewal Ram in FIR No. 147/07 P.S. Mathaniya, district Jodhpur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners No. 3 and 4 shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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